United Nations A/53/1028

General Assembly

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Fifty-third session
Agenda items 112 and 119

Review of the efficiency of the administrative and financial functioning of the United Nations

Human resources management

Gratis personnel provided by Governments

Report of the Secretary-General

Summary

The Secretary-General reports quarterly on the use of gratis personnel. The present report covers the period from 1 April to 30 June 1999.

In its resolution 53/11 of 26 October 1998, the General Assembly requested the Secretary-General to report on the implementation of the phase-out of type II gratis personnel at its resumed fifty-third session. The present report is also submitted in compliance with that request.

99-22149 (E) 100899

Annex

Evolution of the numbers of type I gratis personnel

	Interns I (a)	*Associate experts (200 series) I (b)*	*Technical cooperation experts (ST/AI/231/Rev.1) I (c)*	*United Nations Special Commission (S/22508) I (d)*	*Total*
31 October 1996	131	76	31	112	350
30 September 1997	195	72	32	109	408
30 September 1998	214	115	31	18	378
31 December 1998	20	149	26	35	230
31 March 1999[a]	55	126	23	27	231
30 June 1999	167	107	15	13	302

[a] Revised figures.

United Nations A/53/1029

General Assembly

Distr.: General
28 July 1999

Original: English

Fifty-third session
Agenda item 19
Admission of new Members to the United Nations

Letter dated 28 July 1999 from the President of the Security Council addressed to the Secretary-General

I have the honour to request that you transmit the following resolution of the Security Council (resolution 1253 (1999)) on the admission of the Kingdom of Tonga to membership in the United Nations, adopted by the Security Council at its 4026th meeting on 28 July 1999, to the resumed fifty-third session of the General Assembly:

"*The Security Council*,

"*Having examined* the application of the Kingdom of Tonga for admission to the United Nations (S/1999/793),[1]

Recommends to the General Assembly that the Kingdom of Tonga be admitted to membership in the United Nations."

I would point out that, when adopting the aforementioned resolution, the Security Council decided to have recourse to the provisions of the last paragraph of rule 60 of its provisional rules of procedure in order to submit its recommendation to the General Assembly at its fifty-third session.

In accordance with rule 60, paragraph 2, of the Council's provisional rules of procedure, I also request that you transmit to the fifty-third session of the General Assembly, for its information, the verbatim records of the 4024th and 4026th meetings of the Security Council, at which the application of the Kingdom of Tonga was considered.

(*Signed*) Hasmy **Agam**
President of the Security Council

[1] A/53/10-S/1999/793.

99-22231 (E) 290799

UNITED
NATIONS

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General Assembly
Security Council

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A/53/1030
S/1999/835
30 July 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 29 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to our letter dated 30 June 1999, I have the honour to draw your attention to new violations of the flight information region (FIR) of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded on 16 June 1999 as well as on 2, 12, 13, 15, 16, 19, 20, 21, and 22 July 1999.

On 12 June, one C-130 and one CN-235 Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations. The aircraft in question violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, before landing at the illegal airport of Tymbou in the occupied area of the Republic, from where they departed on the same day, returning to the FIR of Ankara.

On 2 July, 12 F-16, three C-160 and one unknown type of Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations. The 12 F-16 exited thereafter in a south-easterly direction. The three C-160 violated the national airspace of the Republic of Cyprus, flying over the area of Karpasia, exiting thereafter in a south-easterly direction. The unknown type of Turkish military aircraft violated the national airspace of the Republic of Cyprus, flying over the area of the Cape of Apostolos Andreas in a search-and-rescue role.

On 12 July, four F-4 Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations. The aircraft in question violated the national airspace of the Republic of Cyprus, flying over the areas of Cape Kormakitis, Kyrenia and Karpasia, before returning to the FIR of Ankara.

On 13 July, four F-4 Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations. Two of the F-4 violated the

national airspace of the Republic of Cyprus, flying over the areas of Cape Kormakitis and Kyrenia, before returning to the FIR of Ankara.

On 15 July, one C-550 Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations. The aircraft in question violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, before landing at 1055 hours at the illegal airport of Tymbou in the occupied area of the Republic, from where it departed at 1556 hours, returning to the FIR of Ankara.

On 16 July, two C-130 Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations. The C-130s violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, before landing at the illegal airport of Lefkoniko in the occupied area of the Republic, from where they departed, returning to the FIR of Ankara.

On 19 July, 10 NF-5, two C-160, two C-650, two CN-235, and one B-200 Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations. The 10 NF-5 violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, before landing at the illegal airport of Lefkoniko in the occupied area of the Republic, from where they departed, flying over the area of Kyrenia before landing and remaining at the same illegal airport. The rest of the aircraft violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria. Thereafter the two C-160 and one of the CN-235 landed at the illegal airport of Lefkoniko in the occupied area of the Republic. The two C-650, one CN-235 and the B-200 landed at the illegal airport of Tymbou in the occupied area of the Republic. All aircraft, except the first mentioned CN-235, departed from the illegal airports, returning to the FIR of Ankara.

On 20 July, one GULFSTREAM, one CN-235 and one C-160 Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations. The GULFSTREAM and the CN-235 violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, before landing at the illegal airport of Tymbou in the occupied area of the Republic, from where they departed on the same day, returning to the FIR of Ankara. The C-160 violated the national airspace of the Republic of Cyprus, flying over the area of the Cape of Apostolos Andreas before exiting in a south-easterly direction. On the same day, at 1024 hours, a military transport aircraft took off from the illegal airport of Lefkoniko in the occupied area of the Republic, flying over the area of Kioneli. Furthermore seven NF-5 aircraft also took off from the same illegal airport, at 1710 hours, before landing there again.

On 21 July, on F-4, one CN-235, and one unknown type of Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations. The F-4 violated the national airspace of the Republic of Cyprus, flying over the area of Karpasia, before exiting in a south-easterly direction. The CN-235 and the unknown type of Turkish military aircraft violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, before landing at the illegal airport of Tymbou in the occupied area of the Republic, from where they departed on the same day, returning to the FIR of Ankara.

On 22 July, two RF-4, two C-130 and two C-160 Turkish military aircraft entered the Nicosia FIR, violating international air traffic regulations. The two RF-4 violated the national airspace of the Republic of Cyprus, flying over the areas of Famagusta, Mesaoria, Kyrenia and Kormakitis before returning to the FIR of Ankara. The two C-130 violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria before landing at the illegal airport of Lefkoniko in the occupied area of the Republic from where they departed on the same day, returning to the FIR of Ankara. The two C-160 violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria before landing - one of them at the illegal airport of Lefkoniko, and the other one at the illegal airport of Tymbou, in the occupied area of the Republic. Thereafter both aircraft departed the above-mentioned airports, returning to the FIR of Ankara. Furthermore, on the same day, the 10 NF-5 Turkish military aircraft which had landed on 19 July at the illegal airport of Lefkoniko, departed, returning to the FIR of Ankara.

As stated in our previous letters, these Turkish unauthorized intrusions into the Nicosia FIR and the national airspace of the Republic of Cyprus are in violation of international air traffic rules and, at the same time, they are in contravention to the provisions of the Security Council resolutions on Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest these new provocative acts by Turkey, which demonstrate once more Turkey's blatant disregard of international law, the Charter of the United Nations and all the relevant decisions of the Organization on the question of Cyprus.

I would also like to underline that most of the present violations occurred after the adoption of Security Council resolution 1251 (1999), in which all States were called upon to respect the sovereignty and territorial integrity of the Republic of Cyprus and to refrain from any action which might prejudice that sovereignty, independence and territorial integrity. My Government expects that the Turkish side will show compliance with the provisions of Security Council resolutions.

Such provocative actions are not conducive to reducing tension and run counter to the initiative of the Secretary-General announced on 30 September 1998, within the framework of his Mission of Good Offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus.

Furthermore the continuing overflights by the Turkish Air Force as well as the presence of Turkish military occupation forces on the island constitute the underlying causes of tension in Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) Agis LOIZOU
Chargé d'affaires a.i.

UNITED
NATIONS

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General Assembly
Security Council

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A/53/1031
S/1999/839
2 August 1999
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ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-third session
Agenda items 40 and 155
THE SITUATION IN THE MIDDLE EAST
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Fifty-fourth year

Letter dated 2 August 1999 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, and with reference to the previous complaints submitted by the Permanent Mission of Lebanon to the United Nations concerning the arbitrary practices regularly carried out against Lebanon and its people by Israel, I have the honour to inform you that the Israeli occupying forces and their client militia have been holding the people and village of Ayta under siege since 15 July 1999. No movement is permitted in either direction, even in cases of severe illness.

The Israeli forces break into the houses and damage their contents, lay waste to agricultural crops, and terrorize the people, most of whom are children, women and elderly persons, and subject them to interrogation. The occupation forces have also detained and thrown into prison scores of young male villagers and women, many of whom are less than 14 years old.

Those known to have been detained by the Israeli occupation forces and taken to Khiam detention centre include the following:

1. Ali Khalil Surur (20 years old). University student.

2. Samih Surur (23 years old). Assistant Director, police.

3. Hassan Musa Rada (15 years old). Student.

4. Muhammad Musa Rada (25 years old). Worker.

5. Muhammad Ni'mah Rada (15 years old).

Israel is detaining three other villagers from Ayta, namely, Nehme Houssein Daqduq, held since 1992, Mohammed Ahmad Hariss, held since 1997, and Muhammad al-Sayyid Muhammad, held since 1998.

The occupying forces and their collaborators have violated the security of scores of peaceful dwellings and damaged their contents; they have opened fire inside houses and terrorized children, women and elderly persons. Numerous enemy bulldozers patrol the streets and alleyways of the village, threatening to demolish houses, with a view to creating a state of panic and confusion in the village.

The siege of the people and village of Ayta and other occupied villages, the forced expulsion of the civilian population and the holding of young children hostage in Khiam detention centre all constitute flagrant violations of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Such practices are considered to be war crimes and in serious violation of international humanitarian law. Urgent measures must be taken to relieve this village, which has been under siege for three weeks.

In drawing your attention to these continued arbitrary Israeli practices against Lebanon and its people, I request you to intervene decisively with a view to lifting the siege from the village and people of Ayta and from other besieged villages, such as Bint Jubayl, and to securing the release of all those citizens who are being held hostage.

I further trust that you will make every possible endeavour to halt these Israeli practices and prevent any repetition thereof. This can best be achieved by the complete and unconditional Israeli withdrawal from occupied Lebanese territory, pursuant to Security Council resolution 425 (1978).

I should be grateful if you would have this letter circulated as a document of the fifty-third session of the General Assembly, under agenda items 40 and 155, and of the Security Council.

(Signed) Selim TADMOURY
Ambassador
Permanent Representative

UNITED
NATIONS

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General Assembly
Security Council

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A/53/1032
S/1999/854
6 August 1999

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GENERAL ASSEMBLY
Fifty-third session
Agenda items 39, 40 and 84
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE
TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER ARABS
OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Fifty-fourth year

Letter dated 5 August 1999 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

The Israeli occupying army announced its intentions, which it said reflected the opinion of Prime Minister Ehud Barak, to allow 27 of the 31 settler encampments that were set near existing settlements on "grabbed" hilltops since the signing of the Wye River Memorandum to remain intact. While all settlements are illegal under international law, those new encampments are particularly shocking in the context of the ongoing peace process and the agreements reached between the two sides.

This most unfortunate development comes as the first Israeli concrete reaction to the Conference of the High Contracting Parties to the Fourth Geneva Convention on Measures to Enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, which was held, as recommended by the tenth emergency special session of the General Assembly, at Geneva on 15 July 1999. The Conference, the first of its kind in the history of the Convention, "reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem", and "reiterated the need for full respect for the provisions of the said Convention in that Territory".

For the occupying Power, which is a High Contracting Party itself, to continue with such serious violations of the Convention is a matter of grave concern and calls for further action by the High Contracting Parties to the Convention. In the statement issued by the Conference, the participating High Contracting Parties adjourned the Conference "on the understanding that it will

convene again in the light of consultations on the development of the humanitarian situation in the field". This recent Israeli violation, if not reversed, indeed requires serious consideration and follow-up by the High Contracting Parties.

I would be grateful if you would arrange to have the text of the present letter distributed as an official document of the fifty-third session of the General Assembly under agenda items 39, 40 and 84, as well as of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Ambassador, Permanent Observer of Palestine
to the United Nations

UNITED NATIONS **A S**

General Assembly
Security Council

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9 August 1999

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GENERAL ASSEMBLY
Fifty-third session
Agenda items 41, 55, 76 and 149
THE SITUATION IN BOSNIA AND HERZEGOVINA
IMPLEMENTATION OF THE RESOLUTIONS OF THE UNITED NATIONS
STRENGTHENING OF SECURITY AND COOPERATION IN THE MEDITERRANEAN REGION
UNITED NATIONS DECADE OF INTERNATIONAL LAW

SECURITY COUNCIL
Fifty-fourth year

Letter dated 6 August 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to inform you that the resolution on the status of Yugoslavia in the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat, adopted at the seventh session of the Conference of the Contracting Parties to the Convention, Ramsar, Islamic Republic of Iran, 1971, held in San Jose, Costa Rica, from 10 to 18 May 1999, is null and void and has no legal effect because:

1. The Contracting Parties to the Ramsar Convention are not authorized to make a decision on the status of the Federal Republic of Yugoslavia in that Convention.

Such authorization is not contained in the Ramsar Convention, the Vienna Convention on the Law of Treaties 1969, the Vienna Convention on Succession of States in Respect of Treaties 1978 or any other general rule of international law.

2. Until the adoption of the above resolution, the Federal Republic of Yugoslavia participated regularly and as a full-fledged member in all conferences of the Contracting Parties (the Fifth Conference held in Kushir, Japan, 1993 and the Sixth Conference held in Brisbane, Australia, 1996), as well as in the work and meetings of organs and bodies established under the Ramsar Convention. The Federal Republic of Yugoslavia has regularly paid all its financial contributions arising from the Convention and is in possession of

proper certificates of payment of the Bureau. It should be noted that in 1995 and 1996, two new wetlands in the Federal Republic of Yugoslavia - Lake Skadar and Stari Begej, Carska Bara - were included in the list of wetlands of international importance, which can be seen from the special diplomas of the Standing Committee of the Convention.

3. The Contracting Parties to the multilateral treaties to which the Federal Republic of Yugoslavia is a Contracting Party have so far not raised this question. The fact is that the Contracting Parties have illegally excluded the Federal Republic of Yugoslavia from the work of some bodies and organs set up by these treaties, but have never made a decision to exclude it from the membership in multilateral treaties. On the contrary, the United Nations and regional organizations have emphasized all along that the Federal Republic of Yugoslavia is a Contracting Party to the multilateral treaties and insisted that it is obliged to adhere to their provisions.

In the preambular part of the Agreement between the Federal Government of the Federal Republic of Yugoslavia and the United Nations on the status of the Office of the United Nations High Commissioner for Human Rights in the Federal Republic of Yugoslavia of 6 November 1998, it is stated that the Federal Republic of Yugoslavia is a State party to the Charter of the United Nations, the Universal Declaration of Human Rights, international covenants on human rights and other treaties. In the Agreement on the Organization for Security and Cooperation in Europe (OSCE) Kosovo Verification Mission of 16 October 1998, it is stated in article 8 that the Federal Republic of Yugoslavia accepts the OSCE Mission as a diplomatic entity in terms of the Vienna Convention on Diplomatic Relations.

In the decision on the competency of the International Court of Justice in a dispute between the Federal Republic of Yugoslavia and Bosnia and Herzegovina, the Court considered that the Federal Republic of Yugoslavia is a Contracting Party to the Convention on the Prevention and Punishment of the Crime of Genocide 1948 solely on the basis of a letter that the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations addressed to the Secretary-General of the United Nations on 27 April 1992 in which it is said that the Federal Republic of Yugoslavia shall continue all rights and undertaken obligations of the Socialist Federal Republic of Yugoslavia in international relations ..., including its participation in international treaties, ratified or acceded to by the Socialist Federal Republic of Yugoslavia.

4. The request contained in a letter of the Permanent Representatives of Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia (A/53/975-S/1999/615) that the Secretary-General of the United Nations consider the issue of the status of the Federal Republic of Yugoslavia in the Ramsar Convention and international conventions in general, exceeds his competencies in view of the fact that the Secretary-General has no authority to make decisions on the membership of the States in international conventions either on the basis of the tasks entrusted to him within the United Nations or as a depositary of international treaties.

5. According to articles 34 and 35 of the Vienna Convention on Succession of States in Respect of Treaties, the participation of the States in international

treaties of a predecessor State is regulated in the same way in case a part or parts of the territory of a State separate to form one or more States, whether or not the predecessor State continues to exist or when, after a separation of any part of the territory of a State, the predecessor State continues to exist.

6. In their letter addressed to the Secretary-General of the United Nations, the Permanent Representatives of Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia acted in a malicious and ill-intentioned way (mala fidae), motivated exclusively by political considerations with a view to inflicting harm on the Federal Republic of Yugoslavia. Some of these States have recognized in bilateral agreements its international legal continuity of the Socialist Federal Republic of Yugoslavia (article 5 of the Agreement on the Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia of 23 August 1996 and article 4 of the Agreement on the Regulation and Promotion of Cooperation between the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia of 8 April 1996).

From the above, it can be concluded that the Federal Republic of Yugoslavia is a Contracting Party to the Ramsar Convention.

I should be very grateful if you would have this letter circulated as a document of the General Assembly, under agenda items 41, 55, 76 and 149, and of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

UNITED
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General Assembly
Security Council

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GENERAL ASSEMBLY
Fifty-third session
Agenda items 40 and 155
THE SITUATION IN THE MIDDLE EAST
MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

SECURITY COUNCIL
Fifty-fourth year

Letter dated 9 August 1999 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to refer the agreement reached on 14 July 1999 to observe annually the Day of Lebanese Prisoners in Israeli Prisons.

The Kingdom of Saudi Arabia affirms its support for the Lebanese people and for its call for the restitution of all its legal rights through the implementation of Security Council resolution 425 (1978) and requests the international community and all governments throughout the world to work for the release of all Lebanese and Arab detainees unjustly held in the Khiam prison centre and in Israeli prisons.

Israel is holding 170 Lebanese hostages in its prisons, 128 of them in the Khiam prison centre and 42 in prisons inside Israel (Ashkelon, Ayloun and Nafha), as well as 10 Palestinian residents of Lebanon. Israel inflicts the worst forms of physical and mental torture on these detainees in closed prisons, isolated from the outside world, and does not allow humanitarian and human rights organizations to have contact with these prisoners, the majority of whom are being detained administratively and without trial. When they are released, a large number will emerge with permanent ailments and chronic diseases that are difficult to treat. In addition to Israeli legislation on the holding and torture of hostages, the Israel Supreme Court stated on 12 November 1997 that the Lebanese detainees were hostages and a bargaining card, something which is a blatant and unprecedented violation of international law.

The Government of the Kingdom of Saudi Arabia calls on the international community, and anticipates your own efforts in that regard, Mr. Secretary-General:

To secure the immediate release of the sick, the young and the elderly;

To secure the release of all of those who have served their sentences at Ayloun;

To put an end to the practice of torture and harsh treatment which demeans the human dignity of the Lebanese detainees;

To send an international commission of inquiry to the Khiam prison centre and to bring to trial those Israeli officers who have perpetrated acts of torture;

To ensure that all the prisoners are able to meet their families, lawyers, the International Committee of the Red Cross and humanitarian organizations;

To condemn the ruling of the Israel Supreme Court by which it acknowledged the Lebanese prisoners as hostages, and to request that that ruling be repealed as a blatant violation of the Universal Declaration of Human Rights;

To have the mock trials of the prisoners declared null and void because they violate international law.

You are well aware, Mr. Secretary-General, as is the international community, of the continuation of these tyrannical and illegal practices against Lebanon. The Government of the Kingdom of Saudi Arabia hopes that you will spare no effort to have them stopped, to assist the prisoners and to set matters right.

I should be grateful if you would have this letter distributed as a document of the General Assembly, under agenda items 40 and 155, and of the Security Council.

(Signed) Fauzi Bin Abdul Majeed SHOBOKSHI
Permanent Representative

UNITED
NATIONS

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General Assembly
Security Council

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S/1999/878
12 August 1999

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GENERAL ASSEMBLY
Fifty-third session
Agenda item 155
MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM

SECURITY COUNCIL
Fifty-fourth year

Letter dated 12 August 1999 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I would like to refer to the letter to you dated 2 August 1999 (A/53/1031-S/1999/839) from the Permanent Representative of Lebanon. In recent months, an increasing number of roadside bombs have been placed along the main axes of movement in the central sectors of the security zone in south Lebanon. Most recently, on 22 July 1999, such a bomb was placed and directed against a bus carrying Israeli soldiers near Moshav Shtula, inside northern Israel, along the security fence that follows the international border.

After this incident, Israel Defense Forces units in the security zone stopped and questioned a number of residents of the nearby Lebanese villages of Ayta and Bint Jubayl. This led to the discovery of large stores of weaponry, including unprecedented quantities of roadside bombs for use by the terrorist organization Hizbullah. It must be stressed that such vast quantities of munitions held in these villages had been used repeatedly against Israeli soldiers as well as against local civilians.

The use by the Hizbullah of Lebanese villages and population centres as launching points and staging areas for terror operations is yet a further violation of the April 1996 understandings reached by former United States Secretary of State Warren Christopher. The support and encouragement given by the Government of Lebanon, as voiced in the letter of the Permanent Representative of Lebanon serves only to add to the above-mentioned violation.

In this context, the allegation made by the Permanent Representative of Lebanon in his letter, that Israel has been holding the people of Ayta "under siege" is baseless. Movement by residents of the village is unrestricted both within the security zone and outside. The claim by the Permanent Representative regarding restrictions on movement by people with severe illnesses is similarly

without foundation. Food supplies and medicines, as well as other goods, are regularly supplied to Ayta, without interruption.

Clearly, Israel has no interest in maintaining its security zone, or in having to search for weapons in such places as Ayta or Bint Jubayl. Israel would, by far, prefer the prevention and avoidance of acts of terror on and from Lebanese territory, through the full implementation of Security Council resolution 425 (1978), which not only calls for the withdrawal of Israeli forces, but also requires the restoration of international peace and security and the return of the effective authority of the Lebanese Government in the area.

Lebanon's refusal to accept Israel's offer to implement the resolution regrettably and often tragically perpetuates the volatile situation in southern Lebanon. The Government of Lebanon is solely responsible for this situation.

I should be grateful if you would have the present letter circulated as a document of the fifty-third session of the General Assembly, under agenda item 155, entitled "Measures to eliminate international terrorism", and of the Security Council.

(Signed) Dore GOLD
Ambassador
Permanent Representative

United Nations A/53/1036

General Assembly

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13 August 1999

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Fifty-third session
Agenda items 20, 105 and 110

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions

Human rights questions

Letter dated 10 August 1999 from the Permanent Representative of Ethiopia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith a response to Amnesty International's report of 21 May 1999 by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia, entitled "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict", dated August 1999 (see annex).*

I should be grateful if you could kindly circulate the present letter and its annex as a document of the fifty-third session of the General Assembly, under agenda items 20, 105 and 110.

(Signed) Duri **Mohammed**
Ambassador
Permanent Representative

* The annex is issued in the language of submission only.

99-23647 (E) 190899

Annex

Response to Amnesty International's report of 21 May 1999

"Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict"

August 1999

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1. Introduction

It is with considerable puzzlement that the Ethiopian government and public have received Amnesty's Report of 21 May 1999, "Ethiopia and Eritrea: Human Rights Issues in a Year of Armed Conflict." It is well known that there has been disagreement between the Ethiopian government and Amnesty International over previous Amnesty reports on human rights violations. Since previous reports addressed alleged violations of the rights of Ethiopian citizens by the government, it was possible to countenance or even, on occasion, welcome the zeal of the organization in the defense of human freedoms, even if the particulars of the charges could not survive scrutiny. The present Report addresses a quite different context. In effect it attempts a comparison in the matter of respect for human rights and humanitarian law of two states in armed conflict. The new context clearly risks judgments flowing from political prejudice or bias, a risk that Amnesty itself openly acknowledges. Amnesty states, "in studying the human rights issues in the conflict between Ethiopia and Eritrea ... the organization was aware of the risks of seeming to favor one side's claims against the other in the highly-charged political atmosphere of the war" (page 3). We believe that Amnesty fails to avoid not merely the appearance but the actual expression of bias.

No reader can come away from the Report without the impression that in the Ethio-Eritrean conflict by far the greater offender in matters of human rights and humanitarian law is Ethiopia. We recognize that when it comes to poor countries such as ours, pronouncements by bodies like Amnesty are accepted on faith. We also recognize that faith is not easily amenable to counter-evidence and counter-arguments, especially if their source is the accused. Nonetheless, we believe any reasonable person can be made to see that the impression conveyed by the Amnesty Report is without foundation in fact and argument. At the very least, we hope those committed to human rights and especially to their fate in Ethiopia and Eritrea will be persuaded that it is a disservice to the human rights cause to accept pronouncements by such prestigious bodies on faith.

We shall try to establish that Amnesty's Report suffers from an alarming deficiency in the understanding or respect of accepted law, a reliance on methods of gathering and presenting evidence that seem subject to no clear standards, and, above all, a glaring partiality. Amnesty states that its findings are based on two "separate research visits to Ethiopia and Eritrea" (page 2). More importantly, it declares "Amnesty International, in accordance with its principles of independence and impartiality, gathers information on human rights issues within its mandate from a wide variety of sources, whose information it scrutinizes carefully to ensure that Amnesty International's own assessment and public reporting contains no political bias for or against any government or opposition group" (page 3). Our criticisms will not consist in putting forward fresh facts or counter-accusations. Instead the criticisms are designed to show that Amnesty fails to live up to its own avowed standards: independence, impartiality, careful scrutiny of information gathered, freedom from political bias.

2. Background to the Conflict and the Human Rights Situation in Ethiopia and Eritrea

In order to indicate the general tenor of the Report, the poor quality of its judgments, and its inattention to elementary facts, it would be useful to look at claims randomly and, all too often, inscrutably scattered throughout the text. It comes as a surprise that these flaws and faults permeate Amnesty's characterization of the general background to the conflict, an area at the periphery of the subject of violations during the conflict that is the core of Amnesty's concerns.

a. The OAU Peace Framework

Even Amnesty's narrative of the background to the conflict, which presumably it seeks to attend to with care because of its avowed interest to stay clear of political questions, does not steer away from biased judgments and disconcerting inaccuracies in the presentation of relevant facts. Specifically, we wish to draw attention to a striking misrepresentation of the Ethiopian government's position on the OAU Peace Framework and a thinly veiled effort to suppress crucial evidence contained in the Framework that finds against Eritrea.

A central part of the background has to do with the long and serious effort by friendly governments, regional and international bodies to avert armed conflict between the two countries. The most important instrument for maintaining the peace and for avoiding the tragic losses of war is the OAU Peace Framework, which was endorsed by the United Nations Security Council and by many governments and inter-governmental bodies. Ethiopia immediately accepted this proposal. Everyone would agree that Eritrea persistently rejected the OAU Framework until it suffered defeat at Badme. These plain facts about the OAU Framework and the very terms of the Framework receive a strange portrayal in the Amnesty Report. A minor, though telling, instance is Amnesty's statement that "Eritrea delayed acceptance of this agreement seeking further clarification" (page 8). This clearly imputes a standing intention on Eritrea's part to endorse the Peace Framework in the face of ample evidence of Eritrea's refusal of the Peace Framework.

More significantly, Amnesty is tendentiously selective in its characterization of the terms of the Peace Framework and their meaning. "The framework calls for the redeployment of forces around Badme to positions held before 6 May 1998, supervised by UN-supported OAU military observers. This was to be followed by a redeployment of troops under international supervision, from other contested areas and demilitarization of the whole border. Demarcation of the border would then take place, under UN auspices—possibly within six months. In the interim, the previous civilian administration would be reestablished, with the assistance of the OAU military observers" (page 8). This summary suffers from important omissions. It does not name the government which had jurisdiction over what is vaguely called here "the previous civilian administration." Nor does it explain why the Peace Framework called for a return of Ethiopian administrative jurisdiction.

These critical facts are relegated to a footnote in which the following is stated: "The OAU accepted, without prejudice to the final status of the area, that the disputed area had been under Ethiopian administration before the conflict started." This finding of the OAU, buried in a footnote in the Report, rests on a decision, reached after investigation, by the OAU that Eritrea forcibly entered an area under Ethiopian administration. Without prejudice to the merits of territorial claims, the OAU in this decision specified the immediate cause of armed conflict and the identity of the aggressor. Amnesty does not rest content with the attempt to underestimate and undervalue this critical provision of the OAU Framework, a provision that was, according to Eritrean authorities, the chief reason for Eritrea's refusal to accept the terms of peace. The Amnesty Report goes on to advance the astonishing interpretation that "Ethiopia regards [the OAU determination] as a confirmation that the area is part of Ethiopia ... ." The Ethiopian government never entered this claim and, to the contrary, affirmed its willingness to submit a decision on territorial claims to international arbitration, which, in turn, is one of the provisions of the OAU Framework that Ethiopia accepted.

Outdoing itself in imputing grand territorial claims to Ethiopia, at a later point, Amnesty reports "many Eritreans believe that Ethiopia might seek to use the conflict to reincorporate Assab into Ethiopia, despite Ethiopian government assurances that it has no territorial ambitions on Assab or Eritrea in general" (page 22). This sentence, which appears in the main text of the Report has no bearing whatsoever on the subject under discussion, which is said to be "the situation in Assab in respect to human rights violations." Why announce the gratuitous conjecture about Ethiopian plans while marginalizing a central finding of the OAU about what actually was forcibly done to Ethiopian administered territory by the Eritrean government?

b. In Search of Precedents

The disposition to bias, unwarranted judgments tending to exonerate Eritrea and to condemn Ethiopia, as well as the failure to look obvious facts in the face infects Amnesty's attempt to establish the absence or existence of relevant precedents to the violations it investigates.

On page 11 of the Report we find the following striking statement: "In 1991 Eritrea had reportedly expelled an estimated 130,000 Ethiopians connected to the former armed forces and administration, although the new government subsequently adopted a more conciliatory policy to those allowed to remain." Save the omission of vast numbers of civilian deportees, the first part of this statement is accurate enough, although it does not sit well with many remarks elsewhere in the Report to the effect that the Eritrean government is disinclined to deport Ethiopians. The second half of the sentence is disconcerting. It seems to commend the Eritrean government on a change of policy for the better. The news appears to be that Eritrea has undergone a change of heart about deportations since 1991. But what exactly is the new policy concerning deportation adopted by the Eritrean government subsequent to 1991? The fact is that although

large numbers of Ethiopians were deported in 1991, there were Ethiopians who remained in Eritrea. Unless Amnesty wishes to praise the Eritrean government for not expelling all Ethiopians in 1991, there is no basis for talk about a change of policy, conciliatory or otherwise.

Turning to deportations on the other side, we find the following passage in the Report: "In Ethiopia, arbitrary detentions of suspected government opponents, including opposition parties and the private press, "disappearances" or torture and ill-treatment of political prisoners, are widespread. The government has made blanket denials of abuses and accused Amnesty International of being biased against it. Eritreans in Ethiopia had generally been strong supporters of the present Ethiopian government on account of the former close relations between the two governments going back to collaboration in the liberation struggles. Yet they became victims of some of the forms of repression applied by the Ethiopian security forces to their opponents" (page 11). This remarkable passage appears in a paragraph immediately prior to the paragraph in which the statement examined above appears, evidently inviting a comparison on human rights violations in the two states.

In considering Amnesty's beliefs concerning the Ethiopian government's treatment of opposition parities and the private press, it is instructive to see how it addresses Eritrea with regards to the same issues. Amnesty says in passing that "there are no opposition parties or independent NGOs in Eritrea." It omits to mention that there is no private press either. Neither does Amnesty comment on the consequences for human rights of the illegality of opposition parties, independent NGOs and a private press. Amnesty's stern criticisms of Ethiopia's relations with the legal opposition and the private press coupled with the silence over Eritrea's decision to outlaw these democratic institutions is rather jarring. It is obvious that where there are no citizens belonging either to independent or opposition groups that nobody can complain that rights are being infringed on account of membership in such groups. Therefore, Amnesty must be of the opinion that fundamental freedoms and rights of individuals are not denied by criminalizing a free press and a legal political opposition. Or else, it must subscribe to the strange view that there are fewer rights violations in an undemocratic polity than in a democratic society.

Moreover, it is altogether unclear how Amnesty arrives at the bold conclusion that there is a substantive similarity in the Ethiopian government's alleged treatment of its political opponents in the past and the treatment of Eritreans in the present. This is not the place to rehearse our objections to Amnesty's allegations about past human rights violations. What concerns us here is the connections that Amnesty attempts to establish between alleged past and present violations. Leaving aside now the vague charge of ill-treatment (addressed below), has Amnesty shown anywhere in the Report any, much less firm, evidential support that Eritreans in Ethiopia have been subjected either to torture or disappearances? "Disappearances" seems a curious charge to level in connection with people Amnesty claims to know have been expelled. (The allegation of arbitrary detention will be discussed below when we consider Amnesty's views about the law governing deportation.) A different, though no more defensible way of reading

this passage from Amnesty is as an attempt to establish a looser, though no less sinister, pattern between the treatment of Ethiopian citizens and the treatment of Eritreans. Amnesty might be saying this is more of the same: a state Amnesty had claimed to be so harsh with its own citizens can be counted upon to be equally harsh with aliens. This of course is plainly an exercise in moral prediction and therefore rests on prejudgment of the facts.

3. The Eritrean Government's Violations of Human Rights and Humanitarian Law

The examples of bias cited so far, primarily having to do with insertions of free-floating, yet highly tendentious remarks, all favorable to Eritrea and unfavorable to Ethiopia, are relatively minor compared to the manifest partisanship expressed in the specific findings of the Report in respect to violations of human rights and humanitarian law by the Ethiopia and Eritrea in the conduct of the war. The Report's treatment of specific allegations brought against the two states is characterized by a constant inconsistency regarding where the burden of proof is placed and the stringency of the standards of conduct that are applied. Where Eritrean allegations against Ethiopia are concerned, the burden of proof is characteristically shifted to Ethiopia and standards of conduct are raised. The reverse is the case where Ethiopian allegations against Eritrea are concerned: the burden of proof is made to rest on Ethiopia and standards are typically lowered.

We confine ourselves to a few representative examples of Amnesty's handling of allegations brought against the government of Eritrea.

a. ICRC Inspection of Prisoners of War

The Report notes that Eritrea has denied ICRC access to Ethiopian POWs, in direct violation of the Geneva Conventions. Although Amnesty feels compelled to mention Ethiopian compliance with international law in respect to ICRC inspection of POWs, bafflingly its recommendation on the matter places the two parties on equal footing. On page 18 of the Report we find the following exhortation: "Amnesty International calls for the ICRC to be given immediate access to all prisoners of war in both Ethiopia and Eritrea, as the best guarantee of their humane treatment and observance by each side of the Geneva Conventions." It is difficult to fathom what occasions this recommendation in respect to Ethiopia given that Amnesty at no point alleges that Ethiopia has denied ICRC visitation of POWs. Equally disconcerting is the effort by Amnesty to mitigate, if not altogether exonerate, Eritrea's actions. The Report suggests that although Eritrea refused access to ICRC, the worry is allayed by the fact that Eritrea's war record in the past—as one can gather from statements made by none other than the Eritrean government itself—was good (see page 16). Amnesty seems particularly relieved by the fact that the Eritrean authorities have said they would grant journalists access to POWs, although, it declares, "none is known to have taken up this offer." Inspection by selected members of the press, who may or may not arouse

suspicion of partiality, is of course no substitute for inspection by an impartial body like ICRC, and it is simply inexcusable for Amnesty to suggest otherwise.

b. Mistreatment of Ethiopian civilians by Eritrean Authorities

More baffling still is Amnesty's confident dismissal of allegations of mistreatment of Ethiopian civilians by Eritrean authorities. On page 16 the Report states: "Amnesty is not convinced that there had been systematic or even widespread deliberate ill-treatment of Ethiopians by Eritrean forces which occupied Badme." Amnesty offers no evidence whatsoever to back this bold assertion, save the barren assurances of Eritrean authorities. Incidentally, this imprudent assertion undermines Amnesty's recommendation that Eritrea should establish an "independent and impartial inquiry into the claims of ill-treatment of Ethiopians in Eritrea and bring to justice anyone responsible for such ill-treatment." If Amnesty wishes to have this recommendation taken seriously, then it should not at the outset announce the conviction that this inquiry will come up with nothing.

Amnesty's hurried and baseless judgment strikes us as especially irresponsible given the gravity of the charges, which include systematic rape. It should also be noted that Amnesty's denial of ill-treatment of Ethiopian citizens by Eritrean authorities contradicts its own statements of what it was able to learn from personal interviews. Amnesty reports many interviews detailing severe beatings by Eritrean authorities. It also cites an interview with a woman who told Amnesty that "she and a friend had been raped by Eritrean soldiers on their way to church." Amnesty is obviously incredulous towards these first-hand reports, but there is nothing to indicate the basis for this incredulity. (We set aside its altogether dismissive posture towards abundant testimonies of rape and other egregious abuses of Ethiopians compiled and distributed by those engaged in humanitarian work in Ethiopia.) It is also worth noting that Amnesty's finding of widespread, indeed systematic, ill-treatment of Eritreans by Ethiopian authorities (to which we shall attend below) is based on nothing other than anecdotes similar to the ones it cites in connection with abuses perpetrated by the government of Eritrea. What, then, justifies the conviction of Eritrea's innocence as concerns the charge of widespread ill-treatment of Ethiopian civilians? At the very least, Amnesty could have inquired if any members of the Eritrean armed forces or police have been punished for ill-treatment of Ethiopian citizens. Had Amnesty posed this simple question to the Eritrean authorities, it might have inspired some confidence that its findings are not the mere expression of a blind faith in the Eritrean authorities in respect to observance of human rights and humanitarian law.

c. Illegal Detentions of Ethiopians in Eritrea

On allegations of illegal detentions of Ethiopians in Eritrea, Amnesty similarly seems happy to conclude its inquiry by citing Eritrean denials: "From the beginning of the conflict the Ethiopian embassy in Eritrea has been compiling and distributing lists of Ethiopians allegedly detained. The Eritrean authorities said that while some

Ethiopians were detained for purely criminal reasons, none were detained for such reasons as were alleged." The investigation apparently is brought to a conclusion at this stage: for example, Amnesty fails to report on allegations by Ethiopian deportees of either the numbers of prisoners or their conditions at Hawishayit and secret prisons at Assab and its environs. There is further no indication of attempts by Amnesty to check the veracity of the counter-claims entered by the Eritrean authorities.

d. Deportation of Ethiopians by the Eritrean Government

The overall conclusion of the Amnesty Report about the deportation of Ethiopians by the Eritrean government simply comes to the view that there are none. Amnesty's position seems to be that the Eritrean government continues to permit all Ethiopian residents to stay. Hence, all departures of Ethiopians are voluntary. The report acknowledges that tens of thousands of Ethiopians have returned to Ethiopia from Eritrea. Amnesty holds that these departures are prompted by economic distress, primarily having to do with the closure of the port of Assab. It is noteworthy that Amnesty's assessment of the nature and cause of Ethiopian departures from Eritrea is in full agreement with that of Eritrean authorities, whom Amnesty quotes as having said "that Ethiopians were free to return to Ethiopia or stay in Eritrea as they wished" (page 22).

This drastic conclusion rests on two claims. First, Amnesty holds that the Eritrean government has neither an official policy nor judicial or administrative procedures governing deportation. Second, Amnesty in its anecdotal findings has not come across Ethiopians ordered to leave by an Eritrean public authority. In its own words: "With regard to the allegations of deportations, none of the Ethiopians who had returned from Eritrea and were interviewed by Amnesty International in Ethiopia said that they had been ordered to leave by an Eritrean official or the police, nor had there been any official policy of withdrawing their ability to stay in Eritrea as foreign nationals or migrants" (page 25).

Amnesty's treatment of expulsion of Ethiopians from Eritrea harbors two fundamental mistakes. First, Amnesty seems to disallow the very possibility of obligatory departures that are carried out by means outside the law. Second, Amnesty seems blind to the fact that such arbitrary deportations—deportations not governed by policy or law—are by definition violations of rights.

It is clear that Amnesty subscribes to the view that anyone who was obliged to leave Eritrea by circumstances other than official policy or direct official order does not count as someone who has experienced forcible departure. The fact is that a government can coerce people to leave its territory without having an official policy to this effect or without issuing orders to this effect to the victims by public authorities. Article 13 of the UN Covenant on Civil and Political Rights protects aliens against arbitrary expulsion. "In its General Comment on the position of aliens under the Covenant, the Committee made clear that this guarantee relates to every form of

"obligatory departure" of aliens, regardless of how this is described under national law. It is to be applied equally to all forms of expulsion, deportation, exile, etc." (U.N. Covenant on Civil and Political Rights: CCPR Commentary [Dr. Manfred Nowak, Strasbourg, Engel Verlag, 1993, p.225]). The Covenant extends a firm guarantee against deportation not carried out by a court or an administrative authority on the basis of law. The absence of an Eritrean policy governing deportation means that, according to Article 13 of the UN Covenant, every instance of obligatory departure of Ethiopians from Eritrea is a violation of international law.

Nothing that Amnesty says serves to show that there were no Ethiopians subjected to obligatory departures. Indeed, apart from the case of Assab, Amnesty provides no explanation for why so many Ethiopians "volunteered" to leave. An effective way of compelling a person to leave is to create conditions that would make it impossible for the individual to lead a life. It is difficult to maintain that people who are detained, thrown out of work, evicted from their houses, deprived of identity cards and work permits solely for being Ethiopians are "free to return to Ethiopia or stay in Eritrea as they wished" (page 22). Amnesty itself reports that "after the bombings of Asmara Airport by Ethiopia on 5 and 6 June 1998, many Ethiopians working in Eritrean towns were sacked, apparently as a reprisal, and subsequently lost their rented housing through losing their means of income or, in some cases, by being evicted for being Ethiopian." The Report goes on to say that "many Ethiopians were forced to sleep on the streets outside the Ethiopian embassy in Asmara, in church compounds or elsewhere" (page 24). It is noteworthy that Ethiopians here described did not lose their means of livelihood because of general economic distress such as the closure of Assab. Amnesty relates the fate of one Ethiopian in the same period. "... Wolde Hagos a hotel worker was dismissed on the day that Asmara Airport was bombed. He told Amnesty International that he was arrested and taken to the 1st Police Station where he was beaten with his hands tied behind his back. After one month he was released but the police tore up his identity card and work permit. When he went to register at the Ethiopian embassy the police questioned him and asked him for his identity card. He said he was taken to another police station and beaten for not having an identity card" (pages 24-25). Would Amnesty take the position that Wolde Hagos and the countless Ethiopians in his position were free to stay in Eritrea?

Amnesty's lack of concern for the fate of Ethiopians forced out of Eritrea seems in part to stem from an unstated, latent prejudice. Unlike in the deportations of 1991, most Ethiopians deported presently are unskilled laborers whereas many Eritreans deported from Ethiopia belong to the middle class. It is difficult to resist the impression that Amnesty does not accord equal concern and respect to Ethiopian deportees just because they are economically and socially disadvantaged.

4. Ethiopian Deportations

In sharp contrast to its attitude towards the Eritrean government and its treatment of Ethiopians, which concludes with a verdict clearing the Eritrean government from any acts of deportation, Amnesty dwells on a host of violations that it alleges were

committed by the Ethiopian government in respect to deportation of Eritreans: mass expulsions, various forms of ill-treatment, violations of laws and rights in the decisions to deport as well as in their administration. An uncontroversial claim made by Amnesty about deportations by Ethiopia is that they were carried out in accordance with official policy and administrative procedures. Amnesty also rightly points out that Eritreans subject to deportation were those whose presence was deemed prejudicial to national security. The charges of violations—mass expulsions, various forms of ill-treatment, violations of laws and rights in the decisions to deport as well as in their administration—all rest on ignorance of law or error of fact and do not therefore survive scrutiny.

a. Charges of ill-treatment that are not legal offenses

Amnesty indignantly expresses outrage at certain forms of treatment to which deportees were allegedly subjected. Among these: deportees were taken from their homes in the middle of the night; they were allowed to take only one bag; windows of vehicles were kept shut during the journey. These acts are characterized by Amnesty as "cruel, inhuman and degrading." This judgment in respect to these acts is peculiar, and in more ways than one. First, it will be recalled that Amnesty speaks of Ethiopians being assaulted and raped in Eritrea. Amnesty nonetheless does not describe any Ethiopian in Eritrea as a victim of cruel, inhuman, and degrading treatment. The acts of which Ethiopia is said to be guilty are clearly not wrongs of this order. Secondly, they are not under Ethiopian law or any other legal system that we are aware of legal wrongs. Even if they prove to be offensive to Amnesty's sense of propriety, the offense may spring from simple misunderstanding. The restriction to one bag may look appalling if Amnesty either knows that the buses could safely accommodate more in the way of personal effects or if it did not know that the deportees in most cases have to travel on foot after crossing the Eritrean border until they could reach Eritrean authorities. It is also worth noting that the restriction on luggage during travel has no bearing on property rights and that due care was taken, as ICRC observers can testify, that essentials such as medicine for deportees under medication was taken. The complaint about closed windows can be registered by any passenger in a public bus in Ethiopia which everyone, including members of Amnesty's research team, can see to this day run with closed windows. As to the time of day when most deportees are apprehended, it would surely come as a surprise to, say, illegal immigrants in the West that they are secure from immigration authorities at night.

b. Alleged violations of the law

i. Mass expulsions

Amnesty is of the conviction that Ethiopia is guilty of mass expulsions. It provides no evidence or argument to support this grave contention. Amnesty seems to hold the innocent view that mass expulsions consist in the expulsions of people in large numbers. This innocent opinion is not itself supported, given that Amnesty itself allows that those deported between June 1998 and 6 February 1999 are a fraction of the Eritrean

population in the Ethiopia. Even if we do not dispute their figures, if numbers of deportees proportionate to total resident population were to count as a measure of mass deportation, it is mysterious that Amnesty does not describe the expulsion of 130,000 Ethiopians, by its own accounting a clear majority of Ethiopians residing in Eritrea, during the 1991 deportations as mass expulsion. At any rate, mass expulsion is a legal term and it has no more to do with numbers than does the crime of genocide. As representative of international law's construal of mass expulsions, it is helpful to consider Article 4 of Protocol No. 4 of the European Conventions on Human Rights which prohibits collective expulsions of aliens. The Commission held that "as long as an expelling state takes a separate decision in each case, there is no issue of collective expulsion" (Law and practice of the European Convention on Human Rights and the European Social Charter, [Donna Gomien et. al., Council of Europe, 1996, p.363]). In addition, the fact that the ground for deportation is identical in all the cases decided individually does not violate the prohibition on collective expulsion (Ibid.). Since Amnesty has not taken any steps whatsoever to demonstrate that the Ethiopian government in its administrative procedures governing deportations fails to take a separate decision in each nameable case, Amnesty has no case for entering a charge of mass expulsion. Indeed, under the law Amnesty will have a much easier time to establish the grave charge of mass expulsion against the Eritrean government where it is evident, if one is to accept Amnesty's own testimony, that the Ethiopians are obligated to leave Eritrea without any legal or administrative decision on individual cases.

ii. Violations of Property Rights

Amnesty states: "Universally, those expelled feared they would never see their personal, domestic or business properties again. After expulsion, Eritreans' property was often auctioned off to pay for supposed tax or loan debts, or was in some cases illegally acquired by other people." Once again, Amnesty does not here indicate what legal offense is committed by the Ethiopian government, except in the clause alleging illegal acquisition of Eritrean property by others for which it furnishes no evidence. The fact that some Eritreans, or even all Eritreans, deported expressed fear that "they would never see what they owned" has little bearing on whether or not their ownership rights are respected. No Eritrean property has been expropriated by the state. Even in cases of illegally acquired property, the state has not expropriated any property, but has rather initiated legal claims in courts of law. In some cases, banks and other parties who claim titles to property held by deported Eritreans have asserted their claims, claims which have been enforced upon being found valid. Amnesty does not provide a shred of evidence to vindicate the insinuation that tax or loan claims against the property of Eritrean deportees are legally invalid. It is also not lost on Amnesty, though it is not mentioned in the Report, that Eritreans subject to deportation are entitled to authorize persons to act as agents with full powers of stewardship of their property.

In contrast to the accusations leveled by Amnesty about the treatment of Eritrean property by the Ethiopian authorities, there is no mention of Eritrean confiscation of

property owned by the Ethiopian government and Ethiopian citizens. Most of the confiscated property consists in large shipments of industrial equipment and heavy transport vehicles seized at Assab port. It is common knowledge that this material, some belonging to foreign investors and public agencies, has been commandeered for the war effort.

iii. Family Separations

Amnesty charges the Ethiopian government of the serious offense of deliberate and systematic separation of family members. The suggestion is that there is coercive separation of spouses as well as of parents and their children. The fact is that Amnesty's evidence shows at most delayed family reunion which it fails to explain or understand. In some cases, Eritrean mothers and their children were allowed to stay behind for about one month so that the family would have an opportunity to name a legally authorized agent of its choice and to dispose of moveable property in an orderly fashion. In cases of mixed marriages, where a spouse is an Ethiopian citizen, the option of staying or leaving with the deported spouse was left to the Ethiopian spouse. The Ethiopian government had no choice but to honor the Ethiopian spouse's decision to remain behind. It is furthermore worth noting that the Ethiopian government's policy in mixed marriages is to exercise the decision to deport only in cases where the Eritrean spouse poses a grave and imminent danger to national security. Naturally, these are also the cases where the Ethiopian spouse is reluctant to join the deportee because of fears of entering an inhospitable or hostile community.

iv. Due Process Violations

Violations of due process in the administration of deportation registered by Amnesty are: detentions deemed arbitrary because they were not pursuant to a court order or a legal charge; expulsions without charge or conviction of a criminal offense; deprivation of the opportunity to challenge reasons for expulsion. All the above charges by Amnesty stem from a deep misunderstanding or confusion of what international law requires in respect to legal deportations.

First, international law acknowledges that legal deportations can be decided and executed by sovereign states through either judicial or administrative procedures. International law recognizes the state's ultimate authority in decisions over domestic jurisdiction in deportation as well as on their interpretation. In other words, international law takes no position on a state's choice between a court or an administrative authority. Moreover, the Committee of CCPR adheres to the Maroufidou formula: "The Committee takes the view that the interpretation of domestic law is essentially a matter for the courts and authorities of the State party concerned. It is not within the powers or functions of the Committee to evaluate whether the competent authorities of the State party in question have interpreted and applied the domestic law correctly in the case before it under the Optional Protocol, unless it is established that they have not interpreted and applied it in good faith or that it is evident that there has been an abuse of power" (CCPR Commentary, page 227).

The plain fact is that the Ethiopian government's decision to deport Eritreans is carried out under an administrative authority of the state and on the sole ground that those deported present a threat to national security. It is clear therefore that no deportee is charged or convicted under Ethiopian criminal law. Deportation, irrespective of the loss or pain it imposes, is not a form of criminal punishment for past offenses but rather a measure of protection against future risks or threats. Due process rights of criminal law do not therefore apply to deportations. Accordingly, Amnesty's claim that the deportations of Eritreans are violations of provisions governing criminal due process is entirely beside the point. To cite an authority on international law: "At the outset it is important to note the constant jurisprudence of the Strasbourg organs, that a decision to deport a person does 'not involve a determination of his civil rights and obligations or of a criminal charge against him'." (Law and practice of the European Convention on Human Rights and the European Social Charter, page 364). Amnesty's contention that Ethiopian deportations involve unlawful, arbitrary detention is similarly misplaced: "Article 5 (1) (f) of the [European] Convention sets forth one of the exceptions to the right to liberty, the state may detain someone against whom the state is acting with a view to deportation or extradition (an alien or a national)" (Ibid.). Nonetheless, in the administrative procedure governing deportations by the Ethiopian government there was an inquiry to determine case by case whether or not there were reasons to deport. Among the questions put to an Eritrean under the procedure are: voting in the Eritrean Referendum (to determine the person's citizenship status); leadership in the Eritrean Community Association; making financial contributions to the State of Eritrea; participation in Eritrea's national service; membership in PFDJ, the ruling party of Eritrea; leadership in PFDJ. An Eritrean organization, Citizens for Peace in Eritrea, testifies that deportees were given the opportunity to respond to these questions during the process of inquiry (The Uprooted: Part II, page 24). Unfortunately, Citizens for Peace in Eritrea concurs with Amnesty in the false belief that the inquiry is a criminal proceeding leading to what, in their view, are insupportable criminal charges.

This leaves Amnesty's charge that deportees have been denied the right to present reasons against expulsion to Ethiopian administrative authorities. Amnesty has not provided any evidence to show that Eritreans were refused an opportunity to present reasons against their expulsion. It is clear that the right of challenge or appeal in an administrative decision on deportation is far more limited than in judicial proceedings. For example, under the European Convention on Human Rights the right to submit reasons does not require review of the case by a different authority nor that the person submitting reasons be permitted to stay in the territory pending the outcome of the appeal, nor does it require the presence of the alien or his representative in the process of review or appeal (Law and practice of the European Convention on Human Rights and the European Social Charter, 365). These provisions explain the limits of Article 1 of Protocol No. 7 which reads:

> An alien lawfully resident in the territory of a state shall not be expelled therefrom except in pursuance of a decision reached in accordance with law and shall be allowed: a. to submit reasons against his expulsion; b. to have his case reviewed; and c. to be represented for these purposes before the competent authority or a person or persons designated by that authority.

Given the above mentioned limits placed on Article 1 of Protocol No.7,1, Amnesty shows nothing to indicate that the Ethiopian government has acted contrary to this Article in its administrative procedures for deportation. What altogether escapes the notice of Amnesty is the wide exception provided by Article 1 of Protocol No. 7, 2, which reads: "An alien may be expelled before the exercise of his rights under paragraph 1a, b and c of this article when such expulsion is necessary in the interest of public order or is grounded on reasons of national security." These provisions of the European Convention on Human Rights concerning the right to appeal and the exceptions allowed for reasons of national security are reflected in the UN Covenant on Civil and Political Rights. Under the covenant, Article 13 provides the right to appeal to a higher judicial or administrative authority. The opportunity to submit a complaint against expulsion and related due process rights may be suspended when reasons of national security are the grounds for deportation. Article 13 of CCPR reads: "An alien lawfully in territory of a State Party to the present Covenant may be expelled therefrom, only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority" (CCPR Commentary, page. 230 [emphasis ours]). In other words, given the Ethiopian government's official grounds for deportation—reasons of national security—there is no obligation to exercise the right of challenge or appeal before deportation.

v. Expulsion of Citizens

Finally, Amnesty alleges that the Ethiopian government is guilty of deporting non-aliens, indeed of "mass-expulsion of non-aliens." On page 31, the Report by Amnesty states: " ... a huge number of Eritreans expelled from Ethiopia had their Ethiopian citizenship arbitrarily removed and were illegally and forcibly deported and sent into exile. The removal of Ethiopian citizenship and expulsion of people of Eritrean origin is a clear breach of international law." The source of the violation, according to Amnesty, is the Ethiopian government's decision to deport persons judged to pose a security risk who voted in the Eritrean Referendum in 1993. The decision, Amnesty charges, involves illegal removal of their Ethiopian citizenship: participation in the Eritrean Referendum vote does not constitute a legal basis for annulment of Ethiopian citizenship.

This grave accusation, reiterated at numerous points, rests on pure ignorance of the law. The Report correctly notes that, according to Article 11 (b) of the Ethiopian Nationality Law, a person forfeits his or her Ethiopian citizenship when he or she takes up foreign citizenship. (It also merits pointing out that the Eritrean Nationality Law, save by special appeal in exceptional circumstances, prohibits dual citizenship.) The Report, however, rejects the Ethiopian government's claim that persons who voted in the Eritrean Referendum are citizens of the State of Eritrea. "Although those expelled had identity cards which entitled them to vote in the referendum, and were entitled to take up Eritrean citizenship, if they wished, they had not formally done so, and so had

not formally renounced their Ethiopian citizenship" (page 30). This confident assertion by Amnesty, leading up to the allegation that the Ethiopian government is guilty of depriving deportees of their Ethiopian citizenship, is patently false. Minimal inspection of relevant Eritrean legislation would have disabused Amnesty of the impression that registering to vote in the Eritrean Referendum does not require the taking up of Eritrean citizenship. Article 27, Sub-Article 1, of the Eritrean Referendum Proclamation entitled "Registration Procedures" states: "When a person presents himself for registration, he must submit his Identity Card as proof that he meets the qualification set forth in Article 24 of this Proclamations." Article 24 of the Referendum Proclamation, entitled "Persons Qualified for Registration," reads as follows: "Any person having Eritrean citizenship pursuant to Proclamation No.21/1991 on the date of his application for registration and who was of the age of 18 years or older or would attain such age at any time during the registration period, and who further possessed an Identity Card issued by the Department of Internal Affairs, shall be qualified for registration" (emphasis ours). In other words, Eritrean law provides that only persons possessing Eritrean citizenship were entitled to register to vote in the Referendum vote.

The determination that voting in the Referendum entails adoption of Eritrean citizenship, which is mandated by Eritrean law, also furnished the basis for enforcement of the Extradition Treaty between Ethiopia and Eritrea, which was signed on 30 July 1993. Article 5 of the Treaty proscribes the extradition of nationals: "In no case, nor under any circumstances whatsoever, shall the Contracting States be bound to surrender their own nationals." Enforcement of the Treaty therefore required settlement of the issue of the determinants of Eritrean citizenship. In keeping with Eritrean law, the parties to the Treaty determined that persons who held identity cards as used for the Referendum registration were Eritrean citizens.

In sum, the Ethiopian government's view that persons who registered to vote in the Eritrean Referendum have taken up Eritrean citizenship is both mandated by Eritrean law and consistent with previous agreements forged by the governments of Ethiopia and Eritrea. Amnesty's allegation that Ethiopia is guilty of deporting non-aliens is therefore groundless.

5. Conclusion

Amnesty's Report is a travesty of an impartial and independent investigation. On virtually every issue regarding violations of human rights and humanitarian law, Amnesty sides with Eritrea, thereby depicting Ethiopia as guilty of greater and graver offenses. This has been shown above by sticking strictly to Amnesty's own claims. We set aside our evidence of serious violations by the Eritrean government to which Amnesty pays scant attention, for example: the tens of thousands of Ethiopians thrown out of Eritrea and cast off at the border by Eritrean authorities or the hundreds of thousands of Ethiopians coercively displaced from their homes and farms during Eritrea's forcible occupation of territory under Ethiopian sovereignty. As was shown, Amnesty's favorable portrayal of Eritrea is achieved through disregard of plain facts,

shoddy assembly and assessment of evidence, and cavalier ignorance or distortion of established standards of municipal and international law. All this would be far easier to countenance if Amnesty were defending the fundamental freedoms and entitlements of the individual against the powers of the state. It would also be more excusable if Amnesty in its past reports were more stringent on the Eritrean government and its insistence on maintaining a closed society—outlawing opposition parties, NGOs, an independent press—with obvious dire consequences for the rights of Eritrean citizens. What renders Amnesty's irresponsible Report singularly objectionable is that, once again, Amnesty openly champions the cause of a state against the rights of citizens. Even in the defense of the individual's fundamental rights, the credibility of a human rights organization in the end depends on its adherence to high standards. Amnesty must be mindful that it is particularly difficult to live up to high standards in the examination of a closed society where the state enjoys leeway in shaping and conveying its self-image to its own advantage. Amid armed conflict, the failure to discriminate between a crafted self-image and what truly lies behind it may well fuel rather than resolve conflict. Amnesty's Report does not avoid these pitfalls and the danger they court.

In sum, Amnesty's Report abounds with findings and judgments that anyone can reasonably reject. It is indeed sad that an institution that should be taken seriously labors to make it difficult to be taken seriously.

UNITED NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/53/1037
S/1999/879
13 August 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 12 August 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 11 August 1999, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) Engin SOYSAL
Counsellor
Chargé d'affaires a.i.

99-23641 (E) 160899

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Annex

Letter dated 11 August 1999 from Mr. Aytuğ Plümer
to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letters dated 30 June and 29 July 1999 (A/53/1007-S/1999/744 and A/53/1030-S/1999/835, respectively) addressed to you by Greek Cypriot representatives at the United Nations, which contain allegations regarding "violations of the airspace of the Republic".

It will be recalled that similar unfounded charges of so-called "airspace violations" were rejected in toto in our previous communications addressed to you, most recently in my letter dated 30 June 1999 (A/53/1008-S/1999/745). I would like to emphasize, once again, that flights within the sovereign airspace and flight information region of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the relevant authorities of the State over which the Greek Cypriot regime in the South has no jurisdiction or right of say whatsoever.

While directing such unfounded accusations against the Turkish Cypriot side, the Greek Cypriot side is blatantly continuing with its heavy militarization campaign in South Cyprus. The Greek Cypriot daily Cyprus Mail of 6 August 1999 has reported that South Cyprus is to receive six TOR-M1 missile systems from Greece as part of the exchange for Russian S-300 missiles now deployed in Crete. Reportedly, the Greek Cypriot National Guard will receive the first batch of 21 such missile systems once they have been delivered to Greece from Russia. According to the Greek Cypriot daily Politis dated 7 August 1999 the TOR-M1 missile systems will be displayed at the military parade to be held on 1 October.

The Greek Cypriot armaments programme for the period 1997-2001, according to Greek Cypriot weekly Periodiko, includes the following:

41	tanks
12	155 mm mobile artillery
7	35 mm anti-aircraft guns
12	Aspide systems
2	Mistral-Atlas missiles
3	destroyers
2	Shaldag patrol vessels
3	MM-40 Exocet Block 2 shore missile systems
20-32	aircraft
4-6	helicopters
12	S-300 RM41 missile systems

I would like to emphasize that the continuing militarization campaign by the Greek Cypriot side, as well as the hostile and restrictive policies directed against the Turkish Republic of Northern Cyprus, constitute the underlying causes of tension in Cyprus. My Government expects that the Greek Cypriot side will be urged by the international community to abandon its anachronistic policies against the Turkish Cypriot people and to stop the arming campaign, which exacerbate tension and hinder progress towards reconciliation between the two States.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) Aytuğ Plümer
Representative
Turkish Republic of Northern Cyprus

UNITED
NATIONS

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General Assembly
Security Council

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GENERAL

A/53/1038
S/1999/884
17 August 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 45
THE SITUATION IN AFGHANISTAN AND
ITS IMPLICATIONS FOR INTERNATIONAL
PEACE AND SECURITY

SECURITY COUNCIL
Fifty-fourth year

Identical letters dated 17 August 1999 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I have the honour to forward herewith a letter dated 17 August 1999 from Burhanuddin Rabbani, President of the Islamic State of Afghanistan (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 45, and of the Security Council.

(Signed) Dr. A. G. Ravan FARHADI
Ambassador
Permanent Representative

ANNEX

Letter dated 17 August 1999 from the President of Afghanistan addressed to the Secretary-General

Further to my letter dated 1 August 1999 on the large-scale crimes against humanity committed by the Pakistani-Taliban troops in their recent drive of ethnic cleansing against the civilian populations of the vast territories in the Shamali plains and the provinces of Parwan and Kapisa (S/1999/838), I should like to inform you of the latest upsurge of atrocities by the Taliban militia and the Pakistani military personnel, who twice in less than 10 days have been undertaking vicious military onslaughts.

Having realized that the latest situation in Afghanistan constitutes one of the most calamitous of human tragedies, it is a matter of dismay that despite your expressions of concern thereon, for which the Islamic State of Afghanistan remains appreciative, the expected reaction by the Organization of the United Nations has been inadequate and inconsequential.

The Pakistani and Taliban troops continue to barbarously pursue their campaign of systematic ethnic cleansing and genocide by means of scorched-earth policy. In addition to troop mobilization, heavy aerial bombardment and ground artillery barrage, they have targeted civilian neighbourhoods. The widespread use of hundreds of incendiary and cluster bombs, the levelling and burning down of entire villages, the mass killing of hundreds of innocent civilians, mostly women and children and the forced displacement of over 40,000 women, elderly and children to the barren hot deserts of Jalalabad, where a dozen women and children have died daily from excessive heat and lack of water and food, in addition to the already 300,000 internally displaced refugees, all present the latest predicament and catastrophe in Afghanistan. Also, the latest crackdown by the Taliban in Kabul, with the arrest of thousands of people at Khair Khana on the northern outskirts of the city, where over 10,000 were forcibly deported and sought refuge after the 28 July Pakistani-Taliban attack on their villages in the Shamali plains, is another dimension of the ongoing genocide.

If it were to be claimed that the international community, non-governmental organizations and aid agencies had adopted an attitude of indifference, it would not be an exaggeration.

Justice and equal rights of mankind - two sacred principles - having always been attributed to be the guiding criteria by aid agencies and the international community, against the backdrop of the latest tragedy, have led to a predominant impression among our people that such notions are nothing more than empty rhetoric, bearing no weight whatsoever. It is exactly here that the Afghan nation, instead of forwarding their appeal to world leaders, take the liberty to express their grief to the conscience of the peoples of the world, and rather ask them for assistance.

It is my earnest anticipation that you, with due consideration of the extent of the current catastrophe in Afghanistan, would render your utmost in the cessation of foreign aggression in the country, and an immediate provision of humanitarian assistance for the victims of the latest tragedy.

(Signed) Burhanuddin RABBANI
President
Islamic State of Afghanistan

United Nations A/53/1039

General Assembly

Distr.: General
19 August 1999
English
Original: French

Fifty-third session
Agenda item 146
Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Letter dated 13 August 1999 from the Permanent Representative of Finland to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement issued by the Presidency of the European Union on 12 August 1999 on the occasion of the fiftieth anniversary of the four Geneva Conventions (see annex).

I should be grateful if you would have the text of this letter and its annex distributed as a document of the General Assembly under agenda item 146.

(*Signed*) Marjatta **Rasi**
Permanent Representative of
Finland to the United Nations

99-24035 (E) 200899 200899

Annex

[Original: English and French]

Statement issued by the Presidency of the European Union on 12 August 1999 on the occasion of the fiftieth anniversary of the four Geneva Conventions

On the occasion of the fiftieth anniversary of the adoption of the four Geneva Conventions, the European Union recalls the primary importance that it attaches to the four Geneva Conventions as the basic treaties of international humanitarian law.

The anniversary of the four Geneva conventions is a time to take stock and to promote the implementation of international humanitarian law in all armed conflicts. The States members of the Union seize this opportunity to reaffirm their commitment to respecting and promoting international humanitarian law.

The Conventions were a major step forward in the development of humanitarian law and an impetus for the subsequent development of an impressive body of international instruments. The Conventions are as necessary today as they were 50 years ago and the Union stresses the importance of full compliance with the provisions of the Conventions.

The Conventions were drawn up solely for the protection of the individual in times of armed conflict. As such they represent the basis of the principles of humanity and together with the Additional Protocols of 1977 they are the main instruments of humanitarian law. The Union calls upon all countries that have not yet done so to become parties to the Geneva Conventions as well as to all major treaties in the humanitarian field.

Respect for, and protection and humane treatment of, the victims of armed conflicts are the main duties of the parties to the Conventions. The implementation of the provisions of the Conventions is of paramount importance. The Union recognizes the achievements since the adoption of the Geneva Conventions. However, the Union deplores the persistent violations of humanitarian law. In today's conflicts the important distinctions between combatants and civilians have often become blurred; the safety of humanitarian workers is not respected and children and other vulnerable groups have become targets of the conflicts.

Bridging the widening gap between existing international norms and respect for them should be the main objective and the issue should be put more forcefully on the agenda of the international community.

Prosecution of violations of international humanitarian law is an important means to promote compliance with the Conventions. In this context the Union welcomes the adoption of the Statute of a permanent International Criminal Court to try the most serious crimes and violations of humanitarian law and calls for early ratification of that Statute.

The Union pledges its continuing appreciation and support to the International Committee of the Red Cross (ICRC). The role of ICRC in ensuring that humanitarian rules are respected is vital. The work that ICRC has carried out over the years in very difficult circumstances is impressive. The ICRC anniversary publication *People on War*, on the experiences of both combatants and civilians, is timely and one way to promote knowledge of international humanitarian law.

The International Federation of Red Cross and Red Crescent Societies, the national societies and many other groups and individuals have worked and are working for the

promotion of international humanitarian law, and the Union pays tribute to their courageous actions.

The Union recalls also the important role of the United Nations in the field of humanitarian law and notes in particular that international humanitarian law has been an important topic during the United Nations Decade of International Law.

United Nations A/53/1040

General Assembly

Distr.: General
19 August 1999

Original: English

Fifty-third session
Agenda item 118
Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 19 August 1999 from the Secretary-General to the President of the General Assembly

1. At present, 29 Member States are in arrears under the terms of Article 19 of the Charter, which states as follows:

> "A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

2. The minimum payments necessary to reduce the amounts owed by those Member States on their contributions so that they remain below the gross amount assessed for the preceding two full years (1997–1998) are the following:

	United States dollars
Bosnia and Herzegovina [a]	177 393.45
Burundi	143 800.00
Central African Republic	122 500.00
Comoros [a]	627 300.00
Congo [b]	316 500.00
Democratic Republic of the Congo	41 000.00
Dominica	33 109.00
Equatorial Guinea	43 465.51
Gambia	143 000.00
Georgia [c]	442 372.00
Guinea	133 500.00
Guinea-Bissau [b]	273 600.00

99-23998 (E) 190899

	United States dollars
Iraq	9 135 200.00
Kyrgyzstan	502 600.00
Liberia	939 100.00
Mauritania	122 300.00
Mongolia	114 207.00
Nicaragua [b]	48 829.70
Niger	142 000.00
Republic of Moldova [d]	1 310 889.00
Sao Tome and Principe	404 000.00
Seychelles	87 900.00
Sierra Leone	46 449.00
Somalia	805 400.00
Tajikistan [a]	1 949 962.84
Togo	62 500.00
Turkmenistan	494 200.00
Vanuatu	95 286.00
Yugoslavia	12 678 500.00

[a] By its resolution 53/36 F of 28 July 1999, the General Assembly decided that Bosnia and Herzegovina, the Comoros and Tajikistan would be permitted to vote in the General Assembly until 30 June 2000.

[b] By its decision 53/406 C of 7 April 1999, the General Assembly also decided that the Congo, Guinea-Bissau and Nicaragua would be permitted to vote in the General Assembly until 30 June 2000.

[c] By its resolution 53/36 G of 28 July 1999, the General Assembly decided to grant Georgia temporary exemption under Article 19 of the Charter so that it may be permitted to vote in the Assembly until a final decision on the matter is taken by the Assembly.

[d] By its resolution 53/36 F of 28 July 1999, the General Assembly decided that the Republic of Moldova would be permitted to vote in the Assembly until 31 December 1999.

(*Signed*) Kofi **Annan**
Secretary-General

United Nations A/53/1040*

General Assembly

Distr.: General
25 August 1999

Original: English

Fifty-third session
Agenda item 118
Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 19 August 1999 from the Secretary-General to the President of the General Assembly

1. At present, 29 Member States are in arrears under the terms of Article 19 of the Charter, which states as follows:

> "A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

2. The minimum payments necessary to reduce the amounts owed by those Member States on their contributions so that they remain below the gross amount assessed for the preceding two full years (1997–1998) are the following:

	United States dollars
Bosnia and Herzegovina[a]	177 393.45
Burundi	143 800.00
Central African Republic	122 500.00
Comoros[a]	627 300.00
Congo[b]	316 500.00
Democratic Republic of the Congo	41 000.00
Dominica	33 109.00
Equatorial Guinea	43 465.51
Gambia	143 000.00
Georgia[c]	4 442 372.00

* Reissued for technical reasons.

99-24522 (E) 250899

	United States dollars
Guinea	133 500.00
Guinea-Bissau[b]	273 600.00
Iraq	9 135 200.00
Kyrgyzstan	502 600.00
Liberia	939 100.00
Mauritania	122 300.00
Mongolia	114 207.00
Nicaragua[b]	48 829.70
Niger	142 000.00
Republic of Moldova[d]	1 310 889.00
Sao Tome and Principe	404 000.00
Seychelles	87 900.00
Sierra Leone	46 449.00
Somalia	805 400.00
Tajikistan[a]	1 949 962.84
Togo	62 500.00
Turkmenistan	494 200.00
Vanuatu	95 286.00
Yugoslavia	12 678 500.00

[a] By its resolution 53/36 F of 28 July 1999, the General Assembly decided that Bosnia and Herzegovina, the Comoros and Tajikistan would be permitted to vote in the General Assembly until 30 June 2000.

[b] By its decision 53/406 C of 7 April 1999, the General Assembly also decided that the Congo, Guinea-Bissau and Nicaragua would be permitted to vote in the General Assembly until 30 June 2000.

[c] By its resolution 53/36 G of 28 July 1999, the General Assembly decided to grant Georgia temporary exemption under Article 19 of the Charter so that it may be permitted to vote in the Assembly until a final decision on the matter is taken by the Assembly.

[d] By its resolution 53/36 F of 28 July 1999, the General Assembly decided that the Republic of Moldova would be permitted to vote in the Assembly until 31 December 1999.

(*Signed*) Kofi **Annan**
Secretary-General

United Nations A/53/1040/Add.1

General Assembly

Distr.: General
1 September 1999

Original: English

Fifty-third session
Agenda item 118
Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 1 September 1999 from the Secretary-General to the President of the General Assembly

Further to my letter dated 19 August 1999 (A/53/1040), I have the honour to inform you that Dominica and Togo have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

(*Signed*) Kofi **Annan**
Secretary-General

99-25221 (E) 010999

UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/53/1041
S/1999/906
24 August 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda items 40 and 155
THE SITUATION IN THE MIDDLE EAST
MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM

SECURITY COUNCIL
Fifty-fourth year

Letter dated 22 August 1999 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I would like to refer to the letters addressed to the Secretary-General, dated 9 July 1999 (A/53/1016-S/1999/771) and 15 July 1999 (A/53/1021), from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon and the Permanent Representative of Lebanon, respectively, and the letter dated 9 August 1999 (A/53/1034-S/1999/861) from the Permanent Representative of Saudi Arabia.

The detainees referred to in the above-mentioned letters have all been active members of, or associated with, terrorist organizations such as Hizballah, an Iranian-backed group whose stated objectives include, among others, a struggle against the very existence of the State of Israel. These detainees were actively involved in terrorist activities in or from Lebanon directed against Israel.

Contrary to the allegations in the above-mentioned letters, the detainees in Israel are not being held arbitrarily, but pursuant to Israeli law applicable to all detainees. They have the right to be represented by lawyers, and their detention is subject to regular periodic judicial review. They have the right to appeal to the Supreme Court of Israel sitting as a High Court of Justice, and indeed have exercised this right. Their religious beliefs and practices are fully respected, and they received medical care and follow-up attention, as required by Israeli law for all detainees. Furthermore, the question of their continued detention is currently pending before the Supreme Court of Israel.

With regard to the El-Khiam detention facility in southern Lebanon, it is widely known that the South Lebanon Army exercises independent authority and responsibility over all aspects of the functioning of this facility. Israeli personnel are neither stationed there nor involved in its maintenance.

While Israel is not in a position to dictate to the South Lebanon Army the manner in which the El-Khiam facility is managed, it has nonetheless sought to encourage the establishment and enhancement of adequate conditions and improved standards for the detainees therein. Indeed, a recent report of the International Committee of the Red Cross (October 1998) confirmed that the South Lebanon Army has taken steps towards improving the conditions at El-Khiam. Furthermore, the El-Khiam facility, to the best of our knowledge, is the only one of its kind in Lebanon, regularly visited and supervised by ICRC. Family visits also take place there on a regular basis. Israel continues to encourage further improvement of conditions in the prison.

Clearly, the full implementation of Security Council resolution 425 (1978), in its entirety, remains the key element for resolving all problems arising within southern Lebanon. This resolution calls not only for the withdrawal of Israeli forces but also for the restoration of international peace and security along the common border and the return of the effective authority of the Lebanese Government in the area.

The volatile situation in southern Lebanon is a direct result of Lebanon's refusal to accept Israel's offer to implement resolution 425 (1978). The Government of Lebanon is thus directly responsible for this situation.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 40 and 155, and of the Security Council.

(Signed) Dore GOLD
Ambassador
Permanent Representative